

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

APPLE INC.,

Defendant, Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**RESPONSES TO EPIC’S OBJECTIONS
TO SPECIAL MASTER RULINGS ON
APPLE INC.’S PRODUCTIONS OF RE-
REVIEWED PRIVILEGED
DOCUMENTS**

The Honorable Thomas S. Hixson
San Francisco Courthouse
Courtroom E - 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Dear Magistrate Judge Hixson,

Pursuant to section 4 of the Joint Stipulation and Order Approving Privilege Re-Review Protocol (Dkt. 1092) (the “Protocol”), Apple respectfully submits the following Responses to Epic’s Objections to certain of the Special Masters’ rulings on Apple’s productions of re-reviewed and privileged documents, produced in redacted form on March 31, 2025. We are submitting these documents for *in-camera* review contemporaneously with this filing.

Apple’s responses relate only to documents Apple believes are not already covered by Your Honor’s and Judge Gonzalez Rogers’ existing rulings on Apple’s privilege assertions in this post-judgment discovery. As previously noted, *see* Dkt. 1109, Apple reserves all rights as to documents affected by those rulings, including any post-judgment appellate rights.

PRIV-APL-EG 00171841, PRIV-APL-EG 00171672, PRIV-APL-EG 00266168

PRIV-APL-EG_00171841 is an email among various Apple employees (including Sean Cameron, in-house counsel) regarding certain design updates for changes Apple was making in response to regulatory requirements in the Netherlands. The majority of the email is unredacted. The only redacted excerpt relays advice provided by the “legal team” regarding ongoing interactions with the regulators in the Netherlands. Because this statement expressly relays legal advice provided by in-house counsel, it is properly redacted as privileged. *See Dolby Lab’s Licensing Corp. v. Adobe Inc.*, 402 F. Supp. 3d 855, 866 (N.D. Cal. 2019); *Chrimar Sys. Inc. v. Cisco Sys. Inc.*, 2016 WL 1595785, at *3 (N.D. Cal. Apr. 21, 2016).

PRIV-APL-EG_00171672 is an agenda for a call sent from a non-lawyer to two in-house counsel (Ling Lew and Lacey Elmore) and two non-lawyers. The redacted items in the agenda refer to open items regarding requirements and rules Apple was considering in connection with its compliance options for new regulatory requirements in the European Union. Because the agenda items indicate information on which the sender intends to seek legal advice from in-house counsel, they are privileged. *See In re Meta Healthcare Litig.*, 2024 WL 3381029, at *2 (N.D. Cal. July 10, 2024).

PRIV-APL-EG_00266168 is an email exchange initiated by a non-lawyer seeking feedback or “concerns from a legal perspective” on a slide deck related to Apple’s efforts in the European Union to comply with new regulatory requirements. The initial email is sent to Kyle Andeer, Sean Cameron (both in-house counsel), and one non-lawyer. Although the non-lawyer is the first to provide feedback, if disclosed, the substance of that feedback (and the first non-lawyer’s response) necessarily would reveal the content on which the non-lawyer was seeking “legal” feedback from Mr. Andeer and Mr. Cameron. Such information is properly redacted as privileged. *See In re Meta Healthcare Litig.*, 2024 WL 3381029, at *2.

DATED: April 8, 2025

WEIL, GOTSHAL & MANGES LLP
By: /s/ Mark A. Perry
Counsel for Defendant Apple Inc.